IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.8830 of 2008

ZAHEER HUSSAIN
Versus
STATE OF BIHAR

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2 13.5.2008 Heard learned counsel for the petitioner and learned A.P.P. for the State.

The petitioner prays for anticipatory bail in a complaint case under sections 498A, 406 of the Indian Penal Code and section 3 / 4 of the Dowry Prohibition Act.

The allegation in the complaint petition is that the marriage took place in the year 1995 and after four years of the marriage, the petitioner started torturing the complainant physically and mentally after birth of two female children for dowry and ultimately on 1.2.2003 all the accused persons drove her and her children away from her matrimonial home.

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Learned counsel for the petitioner submits that exactly on the same allegation for the same offence during the same period a police case was lodged by the complainant being Chakia P.S.Case no.181 of 2003 dated 11.11.2003 and in the said case, after investigation the police submitted final form and the same has also been

accepted by the court below. There was no protest by the complainant against the police in the said case. It has been further submitted that in the circumstances on exactly same offence, the petitioner is being harassed again.

On a consideration of the facts and circumstances of the case, it is directed that in the event of arrest/surrender in the court below within four weeks from today, the petitioner(Zaheer Hussain) shall be released on bail on furnishing bail bond of Rs 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Sub-Divisional Judicial Magistrate, Sikarhana at Motihari in Complaint Case no.1240 of 2007 subject to the applicable conditions as laid down under section 438(2) Cr.P.C.

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shahid (Ramesh Kumar Datta, J)